

Remarks

Applicant respectfully traverses the restriction requirement and requests withdrawal of same. According to MPEP §803.01, criteria for restriction between patentably distinct inventions have two separate requirements: (1) the invention must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is required.


Applicant respectfully disagrees that the claims, as presently presented, would in any way create a serious burden to search or otherwise examine. Regardless of whether a patent application claims inventions that are "independent" or "distinct", a restriction should not be made if a search and examination of the entire patent can be made without serious burden (MPEP §803). Accordingly, the claims as presently restricted cover overlapping subject matter; namely novel methods drawn to treating various joint conditions using aminosugar derivatives. As the search would encompass similar subject matter with respect to aminosugar uses, Applicant submits there would be no burden on the Office to conduct the search across Groups I and XLVIII together. At a minimum, Applicant submits as proper the searching of claims associated with Groups XVII-XX, as they are coextensive with respect to the condition to be treated; namely cartilage degradation.

Applicant respectfully traverses the restriction requirement, as the search across Groups I- XLVIII would be largely coextensive and would not create a serious burden on Examiner, and requests all claims be examined together.

This response is believed to be a full and complete traversal of the restriction requirement of record. This response is being filed concurrently with a petition for a one month extension of time. Authorization is granted to charge any underpayments, or credit any overpayments, to Deposit Account No. 502235, if necessary.

Respectfully submitted,

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